

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Gerard Laurendeau

v.

Civil No. 05-cv-441-JD
Opinion No. 2006 DNH 139

Sheet Metal Workers
Local 17C-NH Pension Trust

O R D E R

On November 21, 2006, the court denied Gerard Laurendeau's motion seeking a judgment to reverse the decision of the Trustees of the Sheet Metal Workers' Local 17C-NH Pension Trust suspending his pension benefits because he is doing disqualifying work. The court granted the Trust's motion to affirm that decision "without prejudice to the plaintiff to seek reinstatement of his pension benefits from the Trustees if he can prove that he is not performing disqualifying work." Counsel for Laurendeau then wrote to counsel for the Trust asking that a hearing before the Trustees be scheduled.

The Trust moves to amend the judgment entered in accordance with that order to preclude Laurendeau from seeking reinstatement of his pension benefits while he continues to work in his current position as a Miscellaneous Iron and Maintenance Worker at B. A. Roy. The Trust contends that the order and judgment can be misinterpreted as being equivalent to a remand to the Trustees.

The court's order did not remand the case to the Trustees. Instead, the court held that the Trustees' decision in October of 2005, that Laurendeau's work at B.A. Roy disqualifies him from receiving his pension benefits, was not arbitrary or capricious, based on the administrative record. If the terms of the Sheet Metal Workers' International Local No. 17C-NH Pension Plan would provide an opportunity for Laurendeau to seek reinstatement, despite the Trustees' decision, the final order and judgment in this case are without prejudice to initiating any such proceedings.

Conclusion

For the foregoing reasons, the defendant's motion to alter or amend judgment (document no. 26) is granted to the extent the judgment is clarified in this order and is otherwise denied.

SO ORDERED.


Joseph A. DiClerico, Jr.
United States District Judge

December 13, 2006

cc: John-Mark Turner, Esquire
Vincent A. Wengers, Jr., Esquire